

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84907 of 2024**

Arising Out of PS. Case No.-33 Year-2024 Thana- MAHILA THANA District- Begusarai

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Sujeet Kumar S/o Rakesh Sah @ Rakesh Kumar R/o ward no. 13, Nawkothi,  
Near Thana Chowk Bazar Road, Nawkothi, P.s. - Nawkothi, Distt.- Begusarai

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Sapna Kumari D/o Vijay Sah R/o Chakka, P.S. - Nawkothi, Distt.- Begusarai

... .. Opposite Party/s

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**Appearance :**

|                      |   |                              |
|----------------------|---|------------------------------|
| For the Petitioner/s | : | Mr. Dinkar Kumar, Advocate   |
| For the Sate         | : | Mr. Rabindra Kumar, APP      |
| For the Informant    | : | Mr. Subhesh Pandey, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

3      27-02-2025              Heard learned counsel for the petitioner and learned APP  
  
for the State as also learned counsel for the informant. Perused  
  
the case diary.

2.      The petitioner seeks bail in connection with  
  
Begusarai Mahila P.S. Case No. 33 of 2024 instituted for the  
  
offence under Sections 64(1), 352, 115(2), 127(1), 351, 85 &  
  
3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 & 6  
  
of the POCSO Act.

3.      Prosecution case in short is that petitioner  
  
blackmailed the informant with edited photos, forced physical



relations under threats and false promise of marriage, and later married her while already having a wife and children. When she became pregnant, he and his family allegedly abused her to force for abortion.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 08-08-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is inordinate delay of six years in lodging of the FIR as from perusal of the FIR itself, it would reveal that first occurrence is of the year 2018. Learned counsel for the petitioner next contends that informant has failed to bring on record any sort of objectionable photographs/s, which can substantiate the allegation levelled against the petitioner. It is next submitted that informant, being major, established voluntary physical relationship with the petitioner for fulfilling her desire and the same is known to her family members and society at large. It is lastly submitted that police after completion of investigation has submitted charge sheet in this case.



6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that victim in her statement recorded under Section 183 of the BNSS, 2023 has supported the prosecution case. Moreover, she was found pregnant during her medical examination. Other witnesses have also supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being consensual relationship between the petitioner and the victim, as she was major and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Begusarai Mahila P.S. Case No. 33 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on



two consecutive dates, the Trial Court will have liberty to  
cancel the bail bonds of the petitioner.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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